

## AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-19616 - APPLICANT: CITY OF LAS VEGAS - OWNER: A & A, INC.

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### **\*\* CONDITIONS \*\***

The Planning Commission (6-1/sd vote) and staff recommend APPROVAL, subject to:

#### **Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-19614) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

#### **Public Works**

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Rezoning to a C-1 (Limited Commercial) District on 0.33 acres at 401 and 403 South 6<sup>th</sup> Street. The property currently consists of developed land that is zoned R-4 (High Density Residential). This action would bring the existing use into conformance with current zoning requirements and bring the site into compliance with the General Plan.

A previous approval (V-0078-78) included a variance to allow the restaurant in an R-4 (High Density Residential) zone. Two concurrent applications will be considered along with this item: a site development plan review (SDR-19614) to allow the addition of 342 square feet to the existing restaurant and a variance (VAR-20139) to allow a proposed 11 parking spaces where 72 parking spaces are required.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the existing C (Commercial) General Plan designation. It is also consistent with the existing office uses in the vicinity. Approval is recommended.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
10/26/78	The Board of Zoning Adjustment approved a Variance (V-0078-78) to allow a 50-seat restaurant in a residential zone where it would not otherwise be permitted.
09/27/79	The Board of Zoning Adjustment approved a Variance (V-0066-79) to allow a 22 space parking lot in a residential zone for the restaurant on this subject site. Staff recommended approval.
04/28/83	The Board of Zoning Adjustment approved a Variance (V-0016-83) to allow an addition to extend to the north side property line where a five-foot setback was required and a patron parking lot in a residential zone for the restaurant on this subject site. Staff recommended approval.
11/15/84	The Board of Zoning Adjustment approved a Variance (V-0123-84) to allow an addition to extend to the north side property line where a five-foot setback was required, a patron parking lot in a residential zone, and 46 parking spaces where 55 were required for the restaurant on this subject site. Staff recommended approval.
07/25/85	The Board of Zoning Adjustment approved a Variance (V-0050-85) to allow a 20 square foot illuminated wall sign and two 2 square foot directional signs where only a single 2 square foot non-illuminated sign was permitted for the restaurant on this subject site. Staff recommended approval.
03/22/07	<p>The Planning Commission recommended approval of companion items VAR-20139 and SDR-19614 concurrently with this application.</p> <p>The Planning Commission voted 6-1/sd to recommend APPROVAL (PC Agenda Item #28/rts).</p>

<b><i>Related Building Permits/Business Licenses</i></b>	
07/06/93	A business license for a L16 (Tavern - a tavern license authorizes the sale of alcoholic beverages for consumption on the premises and the retailing of alcoholic beverages in original sealed or corked containers for consumption off the premises) category license was re-classified from a L04 category license (L04-00209) by the Department of Finance and Business Services. This license (L16-00150) was subsequently issued by Business Services on 01/03/02 with no apparent Planning and Development review.
02/06/97	A business license for a R09 (Restaurant: Seating 45 or more - an establishment providing preparation and retail sale of food & beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses) category license was re-classified from a R07 category license (R07-00222) by the Department of Finance and Business Services. This license (R09-00767) was subsequently issued by Business Services on 01/03/02 with no apparent Planning and Development review.
12/27/00	A business license for an A01 (Administrative Office Space - an office location in which specific administrative functions of a business are conducted apart from the primary business location) category license was processed in by the Department of Finance and Business Services. This license (A01-01106) was issued by Business Services on 01/04/01 with no apparent Planning and Development review. This license has been marked out of business as of 10/21/05.

<b><i>Pre-Application Meeting</i></b>	
01/11/07	A pre-application meeting was held and elements of this application were discussed. Submittal requirements were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.33

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Restaurant, 2000 sq. ft. or more (without Drive-Through) and Liquor Establishment (Tavern)	C (Commercial)	R-4 (High Density Residential)
North	Office, Other Than Listed	C (Commercial)	P-R (Professional Office and Parking)

South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Office, Other Than Listed	C (Commercial)	R3 (Medium Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
West	Government Facility	PF (Public Facility)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. This category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The proposed rezoning to the C-1 (Limited Commercial) zoning district will allow a variety of uses not currently allowed under the R-4 (High Density Residential) zoning district. The existing building is currently used for a restaurant with a tavern license use which is in compliance with the General Plan.

The site encompasses two parcels with an existing building built at the lot lines. Additionally, should the parcels in the future become separate sites the site will placed out of conformance with development standards for the proposed C-1 (Limited Commercial) zoning district. For this reason a condition has been added to the Site Development Plan Review (SDR-19614) that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

During the initial review of this development in 1978 staff had recommended against a zoning change to C-1 (Limited Commercial) in an effort to minimize the spread of commercial uses south of Lewis Avenue. Due to this concern of the staff, a variance (V-0078-78) was considered and approved to allow the 50-seat restaurant in an R-4 (High Density Residential) zoning district. As development in this area has continued away from residential and towards commercial uses and the General Plan now calls for this area to be of a commercial character, staff believes that it is now appropriate to rezone this site.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the existing C (Commercial) General Plan designation. It would also make it consistent with surrounding land uses, which consist of office buildings to the north, south and east of the property. For these reasons staff is recommending approval of this item.

## **FINDINGS**

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed rezoning would bring the zoning at this site into conformance with the C (Commercial) designation as listed under the Southeast Sector Plan of the General Plan. The C (Commercial) category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The site’s existing building can accommodate a range of uses and is in compliance with the General Plan.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

Currently, there are office buildings to the north, south and east with a government facility to the west of the property. None of these properties should be affected by the possibility of rezoning. The proposed rezoning would be compatible with the commercial uses that surround the property.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors indicate a need for low intensity commercial activities to locate in this area. Given the existing General Plan designation of C (Commercial) on the subject site, the rezoning to the C-1 (Limited Commercial) zoning district is appropriate for the area.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site will receive access from South 6<sup>th</sup> Street, which is adequate in size to meet the requirements of the proposed C-1 (Limited Commercial) zoning district.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 106 by Planning Department

**APPROVALS** 0

**PROTESTS** 0